

**VIRGINIA BOARD OF DENTISTRY
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE
August 21, 2009**

TIME AND PLACE: The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 9:00 A.M. on August 21, 2009 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

PRESIDING: Jeffrey Levin, D.D.S., Chair

MEMBERS PRESENT: Jacqueline G. Pace, R.D.H.
Myra Howard
Robert B. Hall, Jr., D.D.S.

OTHER BOARD MEMBERS PRESENT: None

STAFF PRESENT: Sandra K. Reen, Executive Director
Huong Vu, Administrative Assistant
Alan Heaberlin, Deputy Executive Director

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

ESTABLISHMENT OF A QUORUM: All members of the Committee were present.

PUBLIC COMMENT: **Michele Satterlund** of the Virginia Association of Nurse Anesthetists commented that on page 7 of the Draft Guidance Document on Administering and Monitoring, item number 13, the term “certified anesthesia assistant” should be changed to “dental anesthesia assistant” because anesthesia assistants are not licensed in Virginia. Dr. Levin thanked Ms. Satterlund for her input and stated that the Committee will take it into consideration.

Nancy Daniel of J. Sargeant Reynolds Community College asked the Committee once again to require work experience in restorative dentistry for dental assistant II certification. She stated that it is critical to success. In regards to the Chart on Permissible Delegation of Duties, Ms. Daniel commented that it does not mention the placing of bonding for composite. She asked that the Committee may want to add bonding for composite. Dr. Levin thanked Ms. Daniel for her suggestion and stated that the Committee will take it into consideration.

MINUTES:

Dr. Levin asked if the Committee had reviewed the minutes of the April 22, 2009 meeting. Dr. Hall asked for clarification on top of page 3 of the minutes where it stated "Ms. Yeatts asked if the Committee would like to double the hours as the minimum requirement for clinical experience." Dr. Hall wanted to know if this meant doubling the hours of laboratory training. Ms. Yeatts stated yes, that page 20 of the agenda is the listing of the hours of laboratory training adopted by the Committee. Ms. Reen clarified that the wording should be "to double the number of laboratory hours as the minimum requirements for clinical experience." Dr. Hall moved to accept the amended April 22, 2009 minutes. The motion was seconded and passed.

**STATUS REPORT ON
REGULATORY
ACTIONS:**

Dr. Levin asked Ms. Yeatts to walk the Committee through the status of regulatory actions.

Dental Assistant Regulations – Ms. Yeatts reported that the dental assistant regulation is at the proposed stage. Ms. Reen asked that the Committee to advance an amendment to the Dental Assistant Regulations to add (1) "performing pulp capping procedure" to 18VAC60-20-230(c) for delegation to only DAs II and (2) separate the "use of non-epinephrine retraction cord" from number 3 to list as a distinct duty. She explained that the amendment reflects decisions of the Committee which were not carried through in drafting the proposed regulations to take to the Board in September. Dr. Hall moved to recommend the amendment to regulations to the Board. The motion was seconded and passed.

Mobile Dental Clinics Regulations – Ms. Yeatts reported these emergency regulations are at the Secretary's office for review.

Recovery of Disciplinary Costs – Ms. Yeatts reported this action is at the Governor's office for review.

Ms. Reen added that the Regulatory-Legislative Committee is still in the internal process of Regulatory Review.

**CHART ON
PERMISSIBLE
DELEGATION OF
DUTIES:**

Dr. Levin commented that the Committee has read and has taken into consideration all of the public comments when developing this chart.

Ms. Reen added that what dental assistants are currently doing needs to be reflected on this chart. She advised the Committee to make sure that these duties are clear and accurate before

making changes. She also advised the Committee to send the chart out to the public and interested parties for input. Dr. Levin agreed.

After discussion, the following changes were made to the chart:

- Restorative and Adjuvant Services – adding apply primer and bonding
- Anesthesia Services – item #1 should state “Apply topical Schedule VI anesthetic”
- Hygiene – item #6 is stricken
- Bleaching – item # 4 is a **Yes** for Dental Assistants I and Dental Assistants II under Indirect Supervision

Dr. Hall moved to approve the amended chart. The motion was seconded and passed.

DRAFT GUIDANCE DOCUMENT ON ADMINISTERING AND MONITORING:

Ms. Reen noted that this draft of the guidance document represents what the law currently permits. She went on to say that it reflects the discussions held with the Executive Directors of the Board of Nursing, Board of Pharmacy, Board of Medicine, and the DHP Chief Deputy and Mr. Casway. She also explained that this guidance has been requested by licensees to explain what monitoring and administering meant, what dental assistant can do, and what nurses can do in dental offices. Ms. Reen stated that this is still a discussion draft.

After much discussion, the following changes were made:
Administration

6a – “a dentist not qualified to administer conscious sedation **shall only** use the services of an anesthesiologist in **dental office** to administer conscious sedation. **In an Outpatient Surgery Center or hospital, a dentist not qualified to administer conscious sedation shall use an anesthesiologist or certified registered nurse anesthetist to administer conscious sedation**”

7a – “A dentist not qualified to administer deep sedation/general anesthesia **shall only** use the services of an anesthesiologist **in a dental office** to administer deep sedation/general anesthesia. **In an Outpatient Surgery Center or hospital, a dentist not qualified to administer conscious sedation shall use an anesthesiologist or certified registered nurse anesthetist to administer deep sedation/general anesthesia**”

No other change was made. Ms. Pace moved to take the guidance document to the September Board meeting as amended. The motion was seconded and passed.

**PERIODIC REVIEW OF
REGULATIONS:**

Mark-up of Parts I, II and III – Ms. Reen noted that the review process is still internal with the Committee and that Part IV to VII are still pending. She stated that comments from individual reviews by Committee members were used to identify possible changes as identified in this document. She stated that this document reflects what the Committee has done and where the Committee wants to go. She advised Committee members to review it as they work with the remaining parts to address internal consistency.

Chart on Part IV, Anesthesia, Sedation and Analgesia – Ms. Reen presented that chart the members will use to identify possible changes to this section. She asked Committee members to think about any additional concerns or considerations that need to be added while reviewing this part. Dr. Levin said that he will start the process and then the rest of the Committee members will follow alphabetically.

NEXT MEETING:

Dr. Levin asked about dates for scheduling the next meeting. It was agreed the Committee would meet again at 9:00 am on Friday, October 23, 2009.

ADJOURNMENT:

Dr. Levin adjourned the meeting at 11:30 a.m.

Jeffrey Levin, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date